TO: EXAMINER LEVITAN
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FROM: DEAN WOLF
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NOTES FOR EXAMINER INTERVIEW, NOT TO BE ENTERED

NOTES FOR TELEPHONIC INTERVIEW
APP SERIAL NO. 09/342,742

NOT TO BE ENTERED.

Examiner Levitan,

I telephone you to try to attempt to reschedule our telephonic interview from Tuesday June 15 (4pm) to Monday June 14 3pm. Please telephone me at your earliest convenience to confirm a new date for our telephonic interview.

Below are notes relating to the telephonic interview.

Regards,
--Dean Wolf
Reg. 37,260

Tel: 510 - 655 - 9111

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Proposed amended claim language:

A1. A method for providing dynamic feedback control of network elements in a data network, the data network including a plurality of network elements, each of said network elements having a plurality operating parameters associated therewith, said operating parameters being related to at least one control parameter of said element, said method comprising:

receiving information relating to an operation of a first subset of the plurality of network elements;

providing at least a portion of said received information to at least one analysis entity for analyzing said portion of received data; ~~and~~

calculating updated control information based on such analysis, wherein the updated control information specifies an adjustment amount to a control parameter of the at least one network element;

receiving the updated control information calculated by the analysis entity; ~~and~~

providing the updated control information to at least one of the network elements[.];

wherein the updated control information specifies an adjustment amount to a control parameter of the at least one network element to thereby effect dynamic reconfiguration of at least one operating parameter of the network element; and

causing the at least one control parameter of the at least one network element to be dynamically adjusted by an amount specified by said adjustment amount to thereby effect dynamic reconfiguration of at least one operating parameter of the network element.

A2. A method for providing dynamic feedback control of network elements in a data network, the data network including a plurality of network elements, each of said network elements having a plurality operating parameters associated therewith, said operating parameters being related to at least one control parameter of said element, said method comprising:

receiving information relating to an operation of a first subset of the plurality of network elements;

providing at least a portion of said received information to at least one analysis entity for analyzing said portion of received data; ~~and~~

calculating updated control information based on such analysis, wherein the updated control information specifies an adjustment amount to a control parameter of the at least one network element;

receiving the updated control information calculated by the analysis entity; ~~and~~

providing the updated control information to at least one of the network elements[.];

wherein the updated control information specifies an adjustment amount to a control parameter of the at least one network element to thereby effect dynamic reconfiguration of at least one operating parameter of the network element; and

causing the at least one control parameter of the at least one network element to be dynamically adjusted by an amount specified by said adjustment amount to thereby effect dynamic reprovisioning of at least one parameter of a link associated with the network element.

Remarks:

The examiner asserts on p. 3 of the office action that Abe teaches calculating updated control information (e.g., available bandwidth) and teaches specifying an adjustment amount to control a parameter of at least one network element. In previous responses, applicant has attempted to distinguish the nature and use of the updated control information of the present invention from that described in Abe. One such difference relates to how the updated control information is used at the network element. According to a Abe, updated bandwidth values may be provided to a router in order to allow the router to use the updated bandwidth information to locally calculate updated routing information which may then be stored within local routing tables.

However, the updated bandwidth information of Abe does not include any specific control parameter adjustment information which causes the router to adjust the router's control parameters by an amount specified in the updated bandwidth information. If the examiner disagrees with this assertion, the examiner is respectfully requested to reference the language in Abe which teaches or suggests such a feature, so that this issue may be discussed during the telephonic interview.

On page 5 of the office action the examiner states that Abe teaches calculating updated control information and providing it to network elements. The examiner further states that this control information inherently includes a bandwidth adjustment amount to change the local networks elements bandwidth to a desired value. Applicant requests further clarification relating to this apparently inherent feature of Abe. For example, what specific information is provided in the bandwidth adjustment amount? What are the units of the bandwidth adjustment amount? What does the network element do with the bandwidth adjustment amount information once received?

On the bottom of page 3 of the office action the examiner also asserts that Abe teaches calculating updated control information (e.g., available bandwidth) and teaches specifying an adjustment amount to control a parameter of at least one network element to thereby effect dynamic reprovisioning of at least one parameter of a link associated with the network element. Applicant would like clarification as to how the examiner defines the term "reprovisioning". It is acknowledged that Abe teaches updating routing table information using the available bandwidth

information, however, applicant respectfully requests further clarification as to how specific links are reprovisioned according to the examiner's interpretation.

Each of the proposed amended claims above include the feature of causing the at least one control parameter of the at least one network element to be dynamically adjusted by an amount specified by said adjustment amount. Because of the final nature of the office action, the applicant understands if the examiner is unwilling to accept the proposed claim amendments. However, one of the objectives of the telephonic interview is to have the examiner clarify whether or not reside the prior art references teach or suggests the feature of causing at least one control parameter of the at least one network element to be dynamically adjusted by an amount specified by adjustment amount information included within the updated control information provided to the network element.

Another objective of the telephonic interview is for the applicant to gain a better understanding of how the system of Abe could be modified in view of the system of Hansen to achieve the features as defined, for example, in claims 1, 54, 55 of the present application. For example, the sections of Hansen cited by the examiner describe only statically configured CIR and EIR values. There appears to be no teaching or suggests and in Hansen for dynamically modifying the EIR/CIR values. Additionally, even if Hansen were to describe dynamically modifying EIR/CIR values of a virtual connection, it is unclear how such information could be used within the routing tables described in Abe.